**THE HONOURABLE SRI JUSTICE GODA RAGHURAM**

**WRIT PETITION NO.3011 OF 2006**

Between:

Smt.Y.Lalitha wife of Sekhar

-

-

….petitioner

vs.

The Joint Collector, Krishna and two others.

….Respondents

**THE HONOURABLE SRI JUSTICE GODA RAGHURAM**

**WRIT PETITION NO.3011 OF 2006**

**ORAL ORDER**

The petitioner is a fair price shop dealer of Kothapalli Village, Bapulpadu Mandal of Krishna district. On allegation that she is indulging in diversion of the kerosene oil meant for public distribution system to private sales, the petitioner's licence/authorization was suspended by the proceedings dated 20-09-2005, pending enquiry. Assailing this the writ petition is filed. *Inter alia* the petitioner

contends that without initiating proceedings for a regular enquiry the powers of suspension pending enquiry cannot be invoked. Reliance for this contention is placed on a Division Bench Judgment of this Court in **Gummadisetti Vs. Joint Collector, Khammam().** Para 10 (of the ALD report) of the aforesaid Judgment brings out the ratio underlying the decision namely that where the suspension is ordered pending enquiry it is explicit indication of the fact that proceedings are not only contemplated but has been initiated.

In view of the principle supra and as the petitioner's authorization has also been suspended pending enquiry, the impugned order cannot be invalidated on the technical ground that proceedings for substantive enquiry have not been initiated, in view of the observations of the Division Bench in Para.10 of the judgment. The remaining grievance of the petitioner is as the delay in the enquiry. There is some substance in this complaint.

Accordingly the writ petition is disposed of directing the 2nd respondent to expeditiously and in any event within a period of two (2) months from the date of receipt of a copy of this Order, conclude the inquiry and pass final order on the allegations which led to the suspension of the petitioner's authorization. Needless to mention that the 2nd respondent is required to record reasons for his conclusions and the order shall be communicated by the 2nd respondent to the petitioner within the aforesaid time. In the circumstances there shall be no order as to costs.

_____

**GODA RAGHURAM,J**

**6TH MARCH 2006**

*TSNR